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Believing that war is the most cruel, the most fruitless, and the most dangerous expedient for the settlement of international differences;

Recognizing that the growth of moral principles which govern political societies has created an earnest desire in favor of the amicable adjustment of such differences;

Animated by the conviction of the great moral and material benefits that peace offers mankind, and trusting that the existing conditions of the respective nations are especially propitious for the adoption of arbitration as a substitute for armed struggles;

Convinced by reason of their friendly and cordial meeting in the present conference, that the American Republics, controlled alike by the principles, duties, and responsibilities of popular government, and bound together by vast and increasing mutual interests, can, within the sphere of their own action, maintain the peace of the continent, and the good will of all its inhabitants;

And considering it their duty to lend their assent to the lofty principles of peace which the most enlightened public sentiment of the world approves.

#### ARTICLE I.

The Republics of North, Central, and South America hereby adopt arbitration as a principle of American international law for the settlement of the differences, disputes, or controversies that may arise between two or more of them.

#### ARTICLE II.

Arbitration shall be obligatory in all controversies concerning diplomatic and consular privileges, boundaries, indemnities, the right of navigation, and the validity, construction and enforcement of treaties.

#### ARTICLE III.

Arbitration shall be equally obligatory in all cases other than those mentioned in the foregoing article, whatever may be their origin, nature, or object, with the single exception mentioned in the next following article.

#### ARTICLE IV.

The sole questions excepted from the provisions of the preceding articles are those which, in the judgment of any one of the nations involved in the controversy, may imperil its independence. In which case, for such nation arbitration shall be optional; but it shall be obligatory upon the adversary power.

\* \* \* \* \*

Besides adopting this treaty, the conference made reports recommending arbitration to the nations of Europe and denouncing the principle of conquest. In transmitting these various documents to Congress the President very appropriately observed that the ratification of the measures proposed would "constitute one of the happiest and most hopeful incidents in the history of the Western Hemisphere." It is, therefore, to be regretted that this remarkable arbitration treaty, which admits the defense of national independence as the only justification of war, and in that case makes arbitration obligatory on the adversary power, has lapsed by reason of the failure of the contracting parties to exchange their ratifications within the period prescribed for that purpose.

Whatever the advocates of international arbitration may wish for, there are doubtless few, if any, even of the most ardent, who expect to bring about by that means the immediate and final abolition of war between independent peoples. Changes in the dispositions and conduct of men are wrought slowly and painfully, and those who labor in the cause of progress and humanity must often suffer disappointment. Nevertheless, while it may at times be necessary to be superior to discouragement, it is gratifying to know that the principle we

espouse is so beneficent and so efficacious that it commands the support of those who have been foremost as men of affairs.

It would be tedious to enumerate the statesmen of America who have expressed their faith by words or by acts in the principle of arbitration, and if we look abroad we find in the present generation such eminent names as those of John Bright, Mr. Gladstone, the Earl of Derby, Lord Lawrence, and the Marquis of Ripon. Nor should we forget that profound jurist and wise statesman of Italy, the late Mr. Mancini, who not only carried in the parliament of his country a resolution in favor of arbitration, but who also, as minister for foreign affairs, himself negotiated many treaties containing an arbitral stipulation.

It is the fashion of those who cavil at arbitration to argue that the variety of questions to which it may be applied is small. While we might refute this objection by recurring to the arbitrations of the United States, it is interesting to quote the words of President Grant, who said:

Though I have been trained as a soldier, and have participated in many battles, there never was a time when, in my opinion, some way could not have been found of preventing the drawing of the sword. I look forward to an epoch when a court, recognized by all nations, will settle international differences, instead of keeping large standing armies as they do in Europe.

Testing these words of a great soldier by the history of wars, we may appreciate the force of the following declaration of Lord Hobhouse :

The more I have studied history, the stronger has my conviction become that many wars are caused by the stupidity or ambition of a few persons, many by a false sense of honor, many by misunderstanding of fact.

Is the method of arbitration efficacious? The best answer we can make to that inquiry is to ask the objector to point to a single instance in which two nations, after having agreed to arbitrate a difference, have gone to war about it. Arbitration has brought peace, and "peace with honor." It is a rude and savage notion that nations, when they feel themselves aggrieved, must, instead of discussing and reasoning about their differences in a spirit of patience and forbearance, seek to avenge their wrongs by summary and violent measures. Among an enlightened and Christian people the spirit of revenge, discarded, as it is, in laws for the government of men in their private relations, can still less be adopted as a principle of public conduct. For, just in proportion as the responsibilities of nations are greater and more solemn than those of private individuals, in that proportion are nations bound to exceed the measure of private virtue in their efforts to hasten the era of peace.

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Since this paper was written in December, 1891, there have been three arbitrations between the United States and other powers, and the President has acted as arbitrator in a boundary dispute between the Argentine Republic and Brazil.

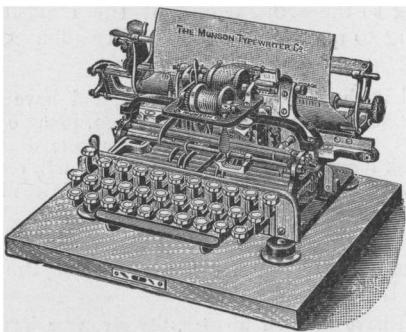
Of the three arbitrations between the United States and other powers, there was one each with Chile, Great Britain, and Venezuela. Those with Chile and Venezuela related to claims for injuries to person or property. The arbitration with Great Britain related to questions which had arisen as to jurisdictional rights and the protection of the fur-seal in Behring Sea. The tribunal of arbitration in this case sat in Paris and was composed of

eminent persons some of whom were appointed by the parties to the controversy, and others by neutral powers.

There are also at the present time several arbitrations pending. There is one now pending between the United States and Ecuador, in relation to the alleged wrongful imprisonment of a citizen of the United States in the latter country. Colombia and Italy have agreed to submit to the decision of the President of the United States a question of a somewhat similar character.

In view of the demonstrated efficacy of arbitration as a means of settling international disputes, the nation that seeks or recklessly invites a resort to arms must bear in the eyes of the civilized world a heavy responsibility.

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